MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

UCR2622 – CRIMINAL LAW II

(All Sections / Groups)

3 March 2020

Reading Time : 2.30 pm – 2.45 pm
(15 Minutes)
Answering Time: 2.45 pm -5.45 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to choose **ONE** question in **PART A** whereas in **PART B** all questions are **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.

4. **Offences covered under UCR 2612 (Criminal Law I) should not be discussed.**

5. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of Penal Code (Act 574). "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

6. Please write all your answers in the Answer Booklet provided.

PART A (CHOOSE ONE OUT OF TWO QUESTIONS)

Question 1

Azam was a Chief Financial Officer for Syarikat AKU. Recently, Syarikat AKU's Board of Directors (the BOD) had initiated an internal investigation into a suspected irregularity in the system of the company's accounts. Azam was an officer with access to the said system. The BOD had suspected that Azam's unique username and password had been used to key in fictitious figures into the account's system thereby giving an impression that payments which were due from Syarikat DIA had been paid to Syarikat AKU. This was not the case. Therefore, Syarikat AKU suffered a loss of RM100,000.

The BOD had discovered that Karen, Azam's secretary, was the one who had been using Azam's username and password into the account's system. The BOD also found that Azam had deceptively concealed his interest in Syarikat DIA. He had earlier declared that he had no other appointment in any other organization other than Syarikat AKU. However, official records showed that he was one of directors in Syarikat DIA.

When questioned, Azam denied any liability. The RM100,000 was actually kept by him in his office and the figures keyed in were actually true except that the money was not credited into the company's account. He said that he mistakenly believed that he was authorised to keep the money because of his position. Azam also explained that he was not sure if he had declared his position in Syarikat DIA. Karen, on the other hand, contended that she merely agreed to assist Azam to manipulate the figures because she knew that he was having financial problems. She alleged that she assisted him because she feared that if she failed to do so, Azam would be killed. The BOD however, did not believe these statements and the board members lodged a police report against Azam and Karen.

Based on the above:

i) Discuss Azam's liability if he is being charged with criminal breach of trust and cheating. Would there be any defence for him?

(15 marks)

ii) Discuss Karen's liability if she is being charged with abetting Azam and whether she could raise any defence?

(10 marks)

(Total 25 marks)

Continued...

Question 2

Ali and Abu, both 11 years old, were school drop-outs. They liked to enter construction sites to find for scrape metal pieces and sold these pieces to recycle centres. One night, they entered Mr. Lim's house, which was under renovation, through a closed window. Ali and Abu were unaware that Ramu was assigned to guard the house. While wandering inside the house, Abu found an envelope with naked pictures of Mr. Lim. He took the envelope and Ali left a writing on the mirror inside the bedroom stating as follows: *"I've found your dark secret. If you want to save your name, leave RM10,000 inside the post box of Tadika Mulia tomorrow and I'll return your secret."* Ali and Abu later found Ramu who was sleeping with an expensive smartphone in his hand. They covered their faces and took the phone from Ramu. Ramu was shocked and terrified to see them as they showed him a knife. Ramu did not stop them and they immediately fled the house.

The next day, Ramu told Mr. Lim what had happened. They lodged a police report for the house breaking, robbery and extortion. Meanwhile, Ali sold the phone they took from Ramu to their regular customer, Ah Seng, who had knowledge of their menaces. Few days later, Ali and Abu were arrested by police. Ah Seng was also arrested for retaining the stolen phone.

Discuss all possible offences and defences for Ali, Abu and Ah Seng.

(Total 25 marks)

PART B (ALL QUESTIONS ARE COMPULSORY)

Question 3

Dusta, Robin and Usang were at one time cellmates since they were convicted for causing grievous hurt to a lady. The three of them have been in contact since their release. Since then, they have been unemployed. Dusta suggested that they could become rich fast if they stole expensive items and sold these items later. This idea seemed very exciting to Robin and Usang and they immediately agreed. Several days later, the three of them waited outside George`s house, who was Dusta`s previous employer. Dusta rang the door bell and George opened the door and asked them to enter as he recognised Dusta.

Once they were inside the house, Dusta started speaking very rudely to George, who immediately told them to leave his house. They refused and started walking around the house. Dusta was very angry with George who scolded him so Dusta pushed George`s laptop that was on the dining table. The laptop fell down and the screen broke. Robin went upstairs to George`s bedroom started looking for items that he could take. He ransacked the cupboard and found several expenisve pens and some money in the drawers. Robin was happy with the items that he found and he put all the items into his pockets.

i) Explain the crimes that the three men could be charged with.

(20 marks)

Continued ...

ii) Assuming Robin gave the pens to his sister, Suzie who took the pens with the knowledge that Robin had stolen the pens.

(5 marks)

(Total 25 marks)

Question 4

Atan and Gayah were divorced and the custody of their two children, Sarah aged 17 years old and Sani aged 10, were given to Gayah by the Syariah court. Atan overwhelmingly missed his children and was determined to take them from Gayah. Atan called his daughter Sarah, and told her to take Sani, her brother out from Gayah's house. He frightened Sarah by telling her that Gayah, their mother will sell them to criminals.

Atan promised to take care of them and persuaded them to leave their mother's house and come to his house. Sarah believed her father. Hence, Sarah and Sani silently sneaked out from Gayah's house and they went to Atan's house. At Atan's house, Sarah and Sani were convinced by Atan to stay in the bedroom where he later locked them from outside. Sarah and Sani cried and asked to be released but Atan ignored them. After two nights in captivity, Atan entered the bedroom while being drunk. He tried to have sexual intercourse with Sarah.

However, before he could penetrate into Sarah, Sani hit his father on the head which caused him to fall down. They opened the door and tried to escape but before they could do so, Atan got up and managed to restrain them from running away. He dragged them back into the room and locked them up again for the next three days. Gayah made a police report and the children were rescued.

Determine Atan's liabilities and possible defences available to him.

(Total 25 marks)

Question 5

Secondary offenders or those who assist principal offenders to commit crimes will also be punished under several sections, one it if would be s 107. Assess the criminal liability of participants under this section

(Total 25 marks)

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